

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006316

03/15/2006

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski/J. McQueen
Deputy

FILED: 03/20/2006

FRANK HADLEY SR., et al.

JEFFREY I OSTREICHER

v.

MESA CITY, et al.

WILLIAM H DOYLE

ARTHUR ZARAGOZA
RICHARD B ARROTTA

TRIAL MINUTE ENTRY
DAY 10

9:05 a.m. Trial to a Jury continues from March 14, 2006. Plaintiff Teresa Arias is present and represented by counsel, Richard B. Arrotta. Plaintiffs Frank Hadley, Sr. and Franklin Hadley are present and represented by counsel, Jeffrey I. Ostreicher. Plaintiff Dora Romero is present and represented by counsel, Arthur Zaragoza. Defendant Bar U7 Farms' representative, Paul Ollerton and Defendant City of Mesa's representatives, Doug Tessendorf and Mark Ishikawa are present and represented by counsel, William H. Doyle and Gary Popham.

Court Reporter, Cindy Benner, is present.

The Jury is present.

Defendants rest.

Plaintiffs' rebuttal case:

Robert Roller is sworn and testifies.

The Witness is excused.

Plaintiffs rest.

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10:15 a.m. The Jury is excused while Court remains in session.

Discussion is held regarding jury instructions and forms of verdict.

10:23 a.m. Court stands at recess.

Pursuant to stipulation of counsel, Plaintiffs' exhibit numbers 5, 13, 14, 74, 96, 100-102, 109, 110, 118-120, 170, and 185 are received in evidence.

11:00 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Cindy Benner, is present.

The Jury is not present.

The Court reserves ruling on Plaintiffs' exhibit number 15.

The objections are sustained with respect to Plaintiffs' exhibit numbers 21 and 22.

Plaintiffs' exhibit numbers 20, 81 and 186 are received in evidence.

Plaintiffs' exhibit number 121 is withdrawn.

Defendants move under Rule 50 for judgment as a matter of law.

IT IS ORDERED granting Defendants' motion for judgment as a matter of law with respect to punitive damages as to the City of Mesa.

IT IS FURTHER ORDERED directing a verdict on the claims of punitive damages as against Defendant Paul Ollerton for the accidents of April 6, 2002.

IT IS FURTHER ORDERED that each of the Defendants motions for directed verdicts with respect to liability are denied.

IT IS FURTHER ORDERED allocating two hours to Plaintiffs' counsel for closing arguments and one hour to Defendants' counsel for closing arguments.

Court and counsel settle the final jury instructions.

12:38 p.m. Court stands at recess.

1:13 p.m. Court reconvenes with respective parties and counsel present.

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Court Reporter, Cindy Benner, is present.

The Jury is present.

The Final Jury Instructions, except for the closing instruction, are read.

Closing arguments.

2:54 p.m. Court stands at recess.

3:12 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Cindy Benner, is present.

The Jury is present.

Closing arguments continue.

4:31 p.m. The Jury is excused while Court remains in session.

Discussion is held regarding scheduling matters.

4:33 p.m. Court stands at recess until 9:30 a.m. on March 16, 2006.